

# United States Court of Appeals for the Fifth Circuit

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No. 21-50792

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WHOLE WOMAN'S HEALTH, *on behalf of itself, its staff, physicians, nurses, and patients*; ALAMO CITY SURGERY CENTER, P.L.L.C., *on behalf of itself, its staff, physicians, nurses, and patients, doing business as Alamo Women's Reproductive Services*; BROOKSIDE WOMEN'S MEDICAL CENTER, P.A., *on behalf of itself, its staff, physicians, nurses, and patients, doing business as Brookside Women's Health Center and Austin Women's Health Center*; HOUSTON WOMEN'S CLINIC, *on behalf of itself, its staff, physicians, nurses, and patients*; HOUSTON WOMEN'S REPRODUCTIVE SERVICES, *on behalf of itself, its staff, physicians, nurses, and patients*; PLANNED PARENTHOOD CENTER FOR CHOICE, *on behalf of itself, its staff, physicians, nurses, and patients*; PLANNED PARENTHOOD OF GREATER TEXAS SURGICAL HEALTH SERVICES, *on behalf of itself, its staff, physicians, nurses, and patients*; PLANNED PARENTHOOD SOUTH TEXAS SURGICAL CENTER, *on behalf of itself, its staff, physicians, nurses, and patients*; SOUTHWESTERN WOMEN'S SURGERY CENTER, *on behalf of itself, its staff, physicians, nurses, and patients*; WHOLE WOMEN'S HEALTH ALLIANCE, *on behalf of itself, its staff, physicians, nurses, and patients*; MEDICAL DOCTOR ALLISON GILBERT, *on behalf of herself and her patients*; MEDICAL DOCTOR BHAVIK KUMAR, *on behalf of himself and his patients*; THE AFIYA CENTER, *on behalf of itself and its staff*; FRONTERA FUND, *on behalf of itself and its staff*; FUND TEXAS CHOICE, *on behalf of itself and its staff*; JANE'S DUE PROCESS, *on behalf of itself and its staff*; LILITH FUND, INCORPORATED, *on behalf of itself and its staff*; NORTH TEXAS EQUAL ACCESS FUND, *on behalf of itself and its staff*; REVEREND ERIKA FORBES; REVEREND DANIEL KANTER; MARVA SADLER,

*Plaintiffs—Appellees,*

*versus*

No. 21-50792

JUDGE AUSTIN REEVE JACKSON; PENNY CLARKSTON; MARK LEE  
DICKSON; STEPHEN BRINT CARLTON; KATHERINE A. THOMAS;  
CECILE ERWIN YOUNG; ALLISON VORDENBAUMEN BENZ; KEN  
PAXTON,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:21-cv-616

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Before JONES, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Appellees' emergency motion for an injunction pending appeal is DENIED.

IT IS FURTHER ORDERED that Appellees' emergency motion to vacate this court's administrative stay of the district court proceedings and to vacate the district court's stay of proceedings as to the government official defendants is DENIED.

IT IS FURTHER ORDERED that Appellees' emergency motion to vacate the district court order denying Appellants' motion to dismiss, to dismiss this appeal as moot, and to issue the mandate forthwith is DENIED.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

August 29, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 21-50792      Whole Woman's Health v. Jackson  
USDC No. 1:21-CV-616

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Peter A. Conners, Deputy Clerk  
504-310-7685

Ms. Jeannette Clack  
Ms. Heather Gebelin Hacker  
Mr. Marc A. Hearron  
Mr. Joseph Alexander Lawrence  
Mr. Jonathan F. Mitchell  
Mr. Richard Muniz  
Ms. Julie A. Murray  
Mr. Andre Segura  
Mr. Andrew Bowman Stephens  
Mr. Judd Edward Stone II  
Mrs. Natalie Deyo Thompson  
Ms. Stephanie Toti  
Mr. Benjamin Walton